

**UNITED STATES DISTRICT COURT**  
for  
**NORTHERN DISTRICT OF CALIFORNIA**  
Venue

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**Petition for Summons for Offender Under Supervision**

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Name of Offender: Antonio Gomez Docket No.: CR 08-00415-01 MHP

Name of Sentencing Judge: Anthony W. Ishii  
United States District Judge  
Eastern District of California

Date of Original Sentence: November 14, 2005

**Original Offense:**

Count One: Use of a Communications Facility to Facilitate the Commission of a Felony Drug Offense, 21 U.S.C. § 843(b), a Class E felony

Original Sentence: 48 months custody, 12 month term of supervised release

Special Conditions: Special assessment \$100.00; drug/alcohol treatment; access to financial information; not possess or have access to any paging device or cellular telephone; search; not own or possess any firearms, ammunition, destructive devices, or other dangerous weapons; DNA collection; random urinalysis testing.

On June 17, 2008, the Northern District of California accepted a transfer of jurisdiction from the Eastern District of California.

Type of Supervision: Supervised Release Date Supervision Commenced: February 21, 2008  
Assistant U.S. Attorney: To be assigned Defense Counsel: To be assigned (AFPD)

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**Petitioning the Court**

The issuance of a summons for the offender to appear in court before Magistrate Judge Maria-Elena James for identification of counsel and setting of further proceedings on July 17, 2008 at 9:30 a.m.

I, David Ackermann, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees

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or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

Charge Number

Violation

One

There is probable cause to believe that the offender violated special condition number three which states that the defendant shall participate in a correctional treatment program (inpatient or outpatient) to obtain assistance for drug or alcohol abuse.

On February 21, 2008, the offender was referred to Sharper Future Substance Abuse Program in San Francisco, California. The offender failed to attend two (2) counseling sessions on May 8, and May 29, 2008. As a result of the missed counseling sessions, on June 27, 2008, the offender was discharged from Sharper Future. Evidence to support this charge is contained in a discharge summary from Sharper Future Substance Abuse Treatment Program

On March 27, May 17, May 28, May 30, June 5, June 12, and June 19, 2008, the offender failed to submit to urinalysis testing at Sharper Future, as instructed by the Code-A-Phone system. Evidence of the above alleged violations are available through a review of the faxed documents from Sharper Future reporting absences.

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Two

There is probable cause to believe that the offender violated standard condition number two which states that the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.

On May 16, 2008, the undersigned mailed an appointment notice to the offender's residence for a scheduled office appointment on May 29, 2008. On May 29, 2008, the offender failed to appear for the scheduled appointment.

On June 3, 2008, the probation officer mailed an appointment notice to the offender's residence for a scheduled office appointment on June 10, 2008. On June 10, 2008, the offender failed to appear for the scheduled appointment.

On June 11, 2008, the undersigned mailed a certified appointment notice to the offender's residence for a scheduled office appointment on June 19, 2008. On June 19, 2008, the offender failed to appear for the scheduled appointment.

The offender failed to submit a written monthly report for June 2008.

Evidence to support this charge is contained in three separate United States Probation appointment notices dated May 16, June 3, and June 11, 2008, and through my testimony.

Three

There is probable cause to believe that the offender has violated the standard condition which states that the defendant shall refrain from any unlawful use of controlled substance.

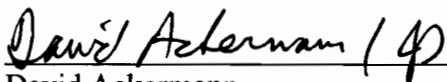
On May 9, 2008, the offender provided a urinalysis sample to the U.S. Probation Office, which yielded a positive result for the presence of marijuana. Evidence of the alleged violation is available through a review of Kroll Laboratory Specialists, Results of Controlled Substance Test, for specimen number C00936441.

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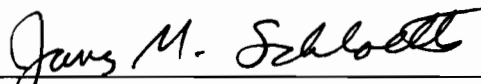
Based on the foregoing, there is probable cause to believe that Antonio Gomez violated the conditions of his supervision.

Respectfully submitted,



David Ackermann  
U.S. Probation Officer  
Date Signed: July 1, 2008

Approved as to form:



James M. Schloetter  
Supervisory U.S. Probation Officer


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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

- ☒ The issuance of a summons for the offender to appear in court before Magistrate Judge Maria-Elena James for identification of counsel and setting of revocation proceedings on July 17, 2008 at 9:30 a.m.
- ☐ Other:

Date

7/3/08

  
Marilyn Hall Patel  
United States District Judge